

United States District Court
for the Western District of Michigan

Bradley Keith Sleighter

Plaintiff,

Case No. 1:12-cv-1008

Honorable Judge: Gordon Quist

v.

Kent County Jail Administration
Defendants.

FILED - GR

August 15, 2013 10:04 AM

TRACEY CORDES, CLERK
U S DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BY 3101 SCANNED BY MS.8/15

Response to Defendant's Objection to Plaintiff's
Motion to Supplement Complaint

1. Plaintiff has filed a motion to supplement his complaint based on the Courts Order for case no. 1:12-cv-910, filed 05/13/13, Docket No. 11.
2. The Court Order states, in the second paragraph, "A plaintiff ordinarily may, with leave of the court, supplement his pleadings under Fed. R. Civ. P. 15(d) to include allegations about a defendant's conduct that occurred after the date of the original complaint."
3. Plaintiff, being incarcerated in the Kent County Jail without access to FRCP 15(d), relies on the Court's definition and has based his "Motion to Supplement Complaint" on that definition.
4. Plaintiff would like to point out to the Court that he has chosen to seek leave of Court to supplement his complaint as opposed to filing a new complaint.
5. Defendants argue that Plaintiff should not be allowed to supplement my complaint based on the theory that "It does not allege any new or different theory of liability or cause of action."

6. Plaintiff was unaware that this was a requirement to supplement his complaint under FRCP 15(d), and he would respectfully ask the Court to view the information presented in his "Motion to Supplement Complaint" with the same criteria that the Court uses to conduct an initial review of the complaint and find that this new information, in fact, contains "enough facts to state a claim to relief that is plausible on its face."

7. Defendants argue against Plaintiff's "Motion to Supplement Complaint" by further stating "It would be futile and a waste of time and expense to allow the amendment and force the Defendants to answer and defend an amended complaint under those facts".

8. Plaintiff argues in support of leave of Court to supplement his complaint and allow him to show that this new information further supports his claim that the Kent County Jail's policy concerning the prohibition of pain medications serves no compelling governmental interests and that it results in "wanton infliction of pain and suffering" upon those it affects; of which I am one.

9. Plaintiff further claims that this new information has the potential to be able to show that the Defendants engaged in violating his civil rights on more than one occasion.

10. Plaintiff claims that if his "Motion to Supplement Complaint" is denied or rendered moot by Defendants Motion for Summary Judgement being granted then the Plaintiff would have no way to vindicate the new actions of the Defendants detailed in his "Motion to Supplement Complaint", other than to file a new complaint under the provisions of 42 USC Section 1983 and believes that it would "state a claim upon which relief can be granted".

11. In either case the Defendants will be forced to address Plaintiff's claim presented in his "Motion to Supplement Complaint", one way or another.

12. Therefore, for all concerned it is respectfully

requested that the Court grant Plaintiff's "Motion to Supplement Complaint" as justice sees fit.

Conclusion

13. It would best serve justice, and the Defendants, to address Plaintiff's allegations outlined in his "Motion to Supplement Complaint" now as opposed to later. It would further save the Court's time and resources as well and would serve Plaintiff's pursuit of Justice in this matter before the Court.

Respectfully Submitted August 13, 2013

Bradley K. Sleighter
Bradley Keith Sleighter
Plaintiff

Certificate of Service

I, Bradley Keith Sleighter, the Plaintiff, certify that I sealed this document in an envelope, postage prepaid and address to the Defendant's Attorneys Varnum LLP. This containing a true and correct copy of "Response to Defendants Objection to Plaintiff's Motion to Supplement Complaint" was handed to an employee of the Kent County Jail to be mailed by the U.S. Postal Service, to Varnum LLP and to the U.S. District Court for the Western District of Michigan.

August 13, 2013

Bradley K. Sleighter
Bradley Keith Sleighter